

REMARKS

In response to the Office Action, claim 1 has been amended. Claims 3 and 5-63 have been cancelled. Accordingly, claims 1, 2 and 4 are currently pending.

The undersigned wishes to thank the Examiner for the courtesies extended in the interview of September 26, 2005.

Claims 1-2 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Zurmuehl at al. (DE 26 24 055) in view of U.S. Patent No. 5,932,041 to Dolling and further in view of U.S. Patent No. 5,583,489 to Loemker et. al.

Amended claim 1 recites a method for producing individual folded labels from a ribbon of labels comprising the steps of providing a ribbon of labels having at least one folded over portion to result in a folded ribbon, and attaching a plurality of devices to the folded ribbon of labels. The folded ribbon and plurality of devices are then subjected to sufficient heat and pressure during a continuous, uninterrupted linear advance to set the fold. The folded ribbon and plurality of devices are then advanced to a cutting station. The folded ribbon is ultrasonically subdivided into separate, individual folded labels having cut edges.

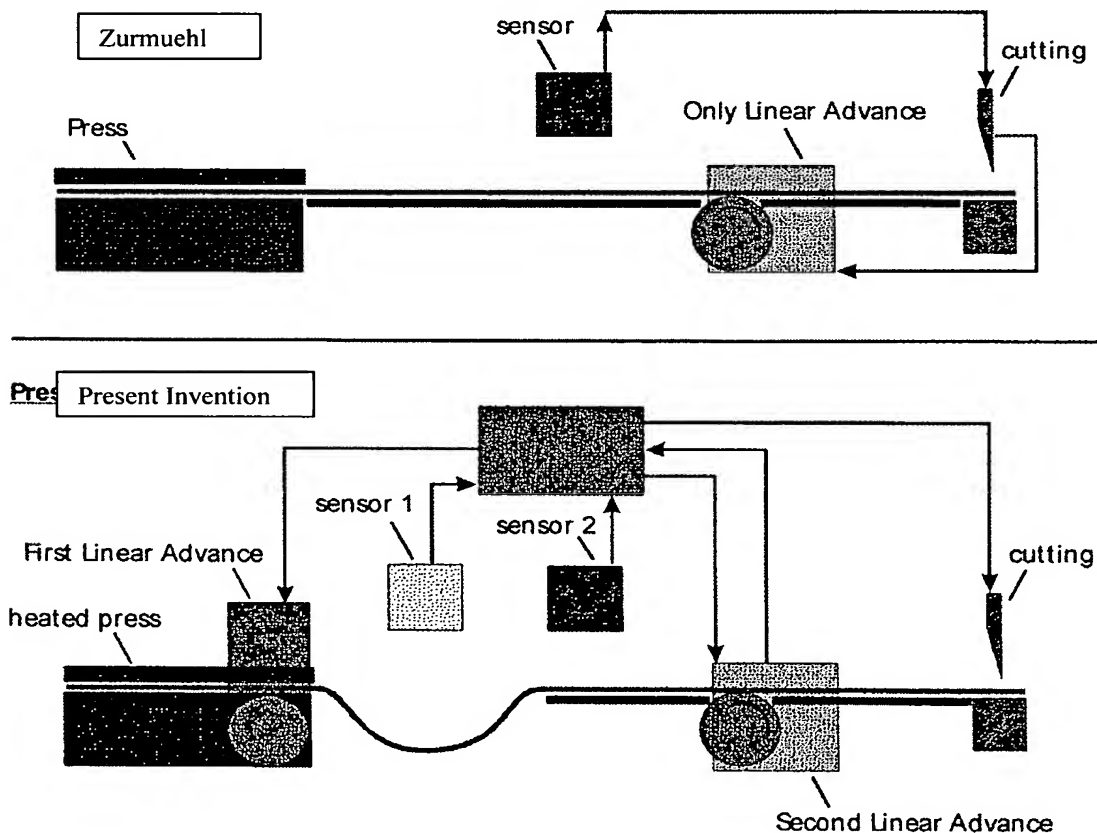
Applicants respectfully submit that Zurmuehl does not disclose or suggest ultrasonically subdividing a folded ribbon of woven material into separate, individual folded labels having cut edges, as recited in amended claim 1. In contrast, Zurmuehl teaches partially or perforating a roll of printed material into labels which are torn off the roll at a later time. Thus, to subdivide the roll of labels of Zurmuehl, ultrasonically or by any other cutting means, would render Zurmuehl inoperable.

Furthermore, Applicants respectfully submit that the difference between the present invention and that of Zurmuehl is not just the addition of a ultrasonic cutting device, but are manifold.

Applicants note that the apparatus of the present invention comprises **two** linear advance mechanisms and a sensor to coordinate the two, i.e., a mechanism for continuous uninterrupted linear advance and an indexing mechanism. The first linear advance pulls the ribbon forward from the tension control dispensing device through the folding and pressing devices. This first linear advance pulls the label ribbon forward in an uninterrupted fashion in order to keep the ribbon in an operative state. This operative state is necessary for the control and coordination of tensions between let off device and the first linear advance, or more directly during folding and pressing. The operative state of the ribbon during folding

and pressing is also important to maintain a kinetic friction on the ribbon during folding and pressing. If the ribbon was to stop and start between each cut, the ribbon would need to overcome static friction forces 350 to 500 times per minute. Advancing a typical distance of 1 ½ inches during each one of these strokes. These static frictions combined with the web like construction or structure of a woven fabric will greatly effect the ability to maintain essentially equal tensions of the upper and lower edges of the label ribbon. A woven ribbon of fabric will also stretch slightly as it is pulled forward under tension. The first linear advance assures that this stretch in the fabric is held under consistent tensions. The second linear advance advances the ribbon and presents it to the cutting device. Coming to a complete stop for the time required for the knife delay and then accelerates into the next ribbon advance.

The diagrams below show the mechanical differences of the two drive system of the present invention and the one drive system of Zurmuehl.



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As illustrated above, Zurmuehl discloses only one linear advance mechanism in coordination with one sensor. This linear advance pulls the ribbon forward from the dispensing or tension device through folding, through pressing, through a scanning station for

indexing and presents the ribbon to the dividing device. The ribbon stops **all** advancement throughout the entire apparatus once the photocell detects a mark on the ribbon, at this point the ribbon is partially divided. Thus, Zurmuehl's linear advance is not "continuous" and "uninterrupted."

Accordingly, Zurmuehl does not teach or support subjecting a folded ribbon and plurality of devices to sufficient heat and pressure during a continuous, uninterrupted linear advance to set the fold.

The present invention further claims treating the folded ribbon with heat and pressure. Zurmuehl does not teach the use of heat, nor does Zurmuehl intend for heat to be used as a necessary component to their apparatus.

Neither Dolling nor Loemker cures the above deficiencies of Zurmuehl.

The present application is a continuation of U.S. Patent No. 6,780,265, which in turn is a continuation of U.S. Patent No. 6,432,235. Support for the present claim amendments can be found in the specification at page 7, line 24 – page 8, line 31 and column 5, line 41 – column 6, line 20 of the '265 patent and column 5, line 36 – column 6, line 15.

Attached hereto is a terminal disclaimer to prevent a double patenting rejection based on the '235 and '265 parent applications.

Given the above, Applicants respectfully submit that the application is now in condition for allowance. A prompt passage to issuance is therefore earnestly solicited.

Respectfully submitted,



Corinne R. Gorski
Registration No. 34,339

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NIXON PEABODY LLP
401 9th Street, NW
Washington, DC 20004-2128
(202) 585-8212